

Message Text

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ORIGIN EB-11

INFO OCT-01 IO-14 ISO-00 EUR-25 COME-00 L-03 CIAE-00

DODE-00 FMC-04 INR-10 NSAE-00 RSC-01 CG-00 COA-02

DLOS-06 DOTE-00 SAJ-01 PM-07 NSC-10 SPC-03 SS-20 PA-04

PRS-01 USIA-15 /138 R

DRAFTED BY EB/TT/MA:RKBANK:EC

APPROVED BY EB/TT/MA:RKBANK

EUR/EE:JMANDEL

ARAD:RRASMUS

EUR/SOV:JMUEHLKE

B/TT:JMEADOWS

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P 122334Z DEC 73

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

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E.O. 11652: N/A

TAGS: ETRN, PL

SUBJECT: BILATERAL SHIPPING TALKS WITH POLES

REF: GENEVA 6514

FOR RONALD WEBB

1. RE PARA 5 REFTTEL ON VESSEL DEFINITION, DEPARTMENT APPRECIATES BY VIRTUE OF ABBREVIATED NATURE OF EXCHANGE OF NOTES, VICE FULL BLOWN AGREEMENT, POLES COULD HAVE DEFINITIONAL PROBLEM WITH TERM "COMMERCIAL CARGO AND PASSENGER VESSELS OF POLAND". ACCORDINGLY, WE NOTE, FOR GUIDANCE, THE DEFINITIONAL PORTION OF THE US-USSR MARITIME AGREEMENT SIGNED OCTOBER 14, 1972:

A. "VESSEL" MEANS A VESSEL SAILING UNDER THE FLAG OF A PARTY, REGISTERED IN THE TERRITORY OF THAT PARTY, OR
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WHICH IS AN UNREGISTERED VESSEL BELONGING TO THE GOVERNMENT

OF SUCH PARTY, AND WHICH IS USED FOR:

(I) COMMERCIAL MARITIME SHIPPING, OR
(II) MERCHANT MARINE TRAINING PURPOSES, OR
(III) HYDROGRAPHIC, OCEANOGRAPHIC, METEOROLOGICAL, OR
TERRESTRIAL MAGNETIC FIELD RESEARCH FOR CIVIL APPLICATION.

B. "VESSEL" DOES NOT INCLUDE:

(I) WARSHIPS AS DEFINED IN THE 1958 GENEVA CONVENTION

(II) VESSELS CARRYING OUT ANY FORM OF STATE FUNCTION
EXCEPT FOR THOSE MENTIONED UNDER PARAGRAPH A..."

"THIS AGREEMENT DOES NOT APPLY TO OR AFFECT THE
RIGHTS OF FISHING VESSELS, FISHERY RESEARCH VESSELS, OR
FISHERY SUPPORT VESSELS. THIS AGREEMENT DOES NOT AFFECT
EXISTING ARRANGEMENTS WITH RESPECT TO SUCH VESSELS."

2. REFTTEL APPEARS TO INDICATE THAT POLEREP KOWALSKI
NOTED THAT PRESENT LANGUAGE "APPEARED TO EXCLUDE NON-
CARGO COMMERCIAL VESSELS", BUT DID NOT STATE THAT THERE
HAVE BEEN ANY CASES WHERE NON-CARGO COMMERCIAL VESSELS
HAVE BEEN REFUSED CONSIDERATION UNDER THE TERMS OF THE
EXCHANGE OF NOTES. EVERTHELESS, IT WOULD NOT BE
INAPPROPRIATE THAT THE USDEL, WITHOUT SPECIFICALLY
ALUDING TO THE USSR AGREEMENT, INFORM KOWALSKI THAT THE
USG WOULD BROADLY INTERPRET THE TERM "COMMERCIAL CARGO
AND PASSENGER VESSELS" TO INCLUDE NON-CARGO COMMERCIAL
VESSELS SUCH AS OCEAN-GOING TOWING VESSELS. PORTER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARINE TRANSPORTATION, AGREEMENTS, MEETING AGENDA
Control Number: n/a
Copy: SINGLE
Draft Date: 12 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE243356
Document Source: CORE
Document Unique ID: 00
Drafter: RKBANK:EC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731228/aaaaausm.tel
Line Count: 92
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: GENEVA 6514
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 09 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Oct-2001 by rowellE0>; APPROVED <08 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BILATERAL SHIPPING TALKS WITH POLES
TAGS: ETRN, PL
To: GENEVA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005